
Joey D. Moya

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

May 7, 2020

NO. S-1-SC-38228

**STATE OF NEW MEXICO, ex rel.,
M. KEITH RIDDLE, in his official capacity
as Clerk of Catron County, and Chair of
the New Mexico County Clerks Affiliate;
SHELLY K. TRUJILLO, in her official capacity
as Clerk of Sierra County, and Chair-Elect of the
New Mexico County Clerks Affiliate;
LINDA STOVER, in her official capacity
as Clerk of Bernalillo County, and Vice President
of the New Mexico Association of Counties;
MICHELLE E. DOMINGUEZ, in her official capacity
as Clerk of Cibola County;
RAYETTA M. TRUJILLO, in her official capacity
as Clerk of Colfax County;
ROSALIE A. GONZALES-JOINER, in her official capacity
as Clerk of De Baca County;
AMANDA LOPEZ ASKIN, in her official capacity
as Clerk of Dona Ana County;
ROBIN VAN NATTA, in her official capacity
as Clerk of Eddy County;
MARISA CASTRILLO, in her official capacity
as Clerk of Grant County;
PATRICK Z. MARTINEZ, in his official capacity
as Clerk of Guadalupe County;
C.J. GARRISON, in her official capacity
as Clerk of Harding County;
MELISSA K. DE LA GARZA, in her official capacity
as Clerk of Hidalgo County;
NAOMI D. MAESTAS, in her official capacity
as Clerk of Los Alamos County;
ANDREA RODRIGUEZ, in her official capacity
as Clerk of Luna County;**

1 **HARRIETT K. BECENTI, in her official capacity**
2 **as Clerk of McKinley County;**
3 **CARLOS ARELLANO, in his official capacity**
4 **as Clerk of Mora County;**
5 **ROBYN HOLMES, in her official capacity**
6 **as Clerk of Otero County;**
7 **ELLEN L. WHITE, in her official capacity**
8 **as Clerk of Quay County;**
9 **LINDA J. PADILLA, in her official capacity**
10 **as Clerk of Rio Arriba County;**
11 **GERALDINE E. GUTIERREZ, in her official capacity**
12 **as Clerk of San Miguel County;**
13 **EILEEN GARBAGNI, in her official capacity**
14 **as Clerk of Sandoval County;**
15 **GERALDINE SALAZAR, in her official capacity**
16 **as Clerk of Santa Fe County;**
17 **BETTY SAAVEDRA, in her official capacity**
18 **as Clerk of Socorro County;**
19 **ANNA MARTINEZ, in her official capacity**
20 **as Clerk of Taos County;**
21 **LINDA JARAMILLO, in her official capacity**
22 **as Clerk of Torrance County;**
23 **MARY LOU HARKINS, in her official capacity**
24 **as Clerk of Union County; and**
25 **PEGGY CARABAJAL, in her official capacity**
26 **as Clerk of Valencia County,**

27 Petitioners,

28 v.

29 **MAGGIE TOULOUSE OLIVER,**
30 **in her official capacity as Secretary of State,**

31 Respondent,

32 and

**REPUBLICAN PARTY OF NEW MEXICO,
DAVE KUNKO, Chaves County Clerk,
KEITH MANES, Lea County Clerk,
WHITNEY WHITTAKER, Lincoln County Clerk,
TANYA SHELBY, San Juan County Clerk,
Senator STUART INGLE,
Senator CRAIG BRANDT,
Senator BILL BURT,
Senator GREGG FULFER,
Senator GAY KERNAN,
Senator MARK MOORES,
Senator STEVE NEVILLE,
Senator CLIFF PIRTLE,
Senator SANDER RUE,
Senator WILLIAM SHARER,
Representative JIM TOWNSEND,
Representative PHELPS ANDERSON,
Representative GAIL ARMSTRONG,
Representative RACHEL BLACK,
Representative PAUL BANDY,
Representative CATHRYNN BROWN,
Representative JACK CHATFIELD,
Representative ZACH COOK,
Representative RANDAL CROWDER,
Representative CANDY EZZELL,
Representative DAVID GALLEGOS,
Representative JASON HARPER,
Representative TIM LEWIS,
Representative ROD MONTOYA,
Representative GREG NIBERT,
Representative JANE POWDRELL-CULBERT,
Representative BILL REHM,
Representative GREGG SCHMEDES,
Representative LARRY SCOTT,
Representative JAMES STRICKLER, and
Representative MARTIN ZAMORA,**

Intervenors,

1 and

2 **NEW MEXICO LEGISLATIVE COUNCIL,**
3 **GOVERNOR OF NEW MEXICO,**
4 **DEMOCRATIC PARTY OF NEW MEXICO, and**
5 **LIBERTARIAN PARTY OF NEW MEXICO**

6 Interested Parties

7 **ORDER**

8 WHEREAS, this matter came on for consideration by the Court upon
9 Petitioners' motion for rehearing and Respondent Secretary of State's response to
10 this Court's May 5, 2020, order, and the Court having considered the foregoing
11 and being sufficiently advised, Chief Justice Judith K. Nakamura, Justice Barbara
12 J. Vigil, Justice Michael E. Vigil, Justice Richard C. Bosson, sitting by
13 designation, and Justice Edward L. Chavez, sitting by designation, concurring;

14 NOW, THEREFORE, IT IS ORDERED that the motion for rehearing is
15 DENIED; and

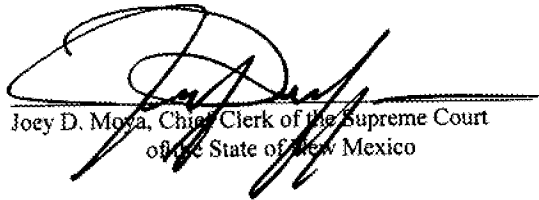
16 IT IS FURTHER ORDERED that the writ of mandamus issued by this
17 Court on April 16, 2020, shall be amended, *nunc pro tunc*, to direct only the
18 Secretary of State to mail an application for an absentee ballot to every major party
19 registered voter in New Mexico who has not already submitted an absentee ballot
20 application for the 2020 primary election and conduct in-person voting for the
21 upcoming primary election, whether on election day or during early voting, in

1 compliance with the Election Code and all applicable Executive Orders and Public
2 Health Orders issued by the Governor of New Mexico and Secretary of the New
3 Mexico Department of Health.

IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 7th day of May, 2020.


Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

4 I CERTIFY AND ATTEST:

A true copy was served on all parties
or their counsel of record on date filed.

Joey D. Moya

Chief Clerk of the Supreme Court
of the State of New Mexico